

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DAVID BURNS,

Plaintiff,

v.

Case No. 6:20-cv-1968-Orl-37GJK

EXTRA SPACE STORAGE, INC.; and  
ANGELA LOPEZ,

Defendants.

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**ORDER**

Plaintiff, proceeding *pro se*, initiated this action on October 23, 2020 (Doc. 1) and moved to proceed *in forma pauperis* (Doc. 2 (“**IFP Motion**”).) On referral, U.S. Magistrate Judge Gregory J. Kelly recommends denying the IFP Motion and dismissing the action, with leave to amend, for failure to sufficiently allege subject matter jurisdiction. (Doc. 3 (“**R&R**”).)

No party objected to the R&R, and the time for doing so has now passed. Absent objection, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding no such error, the Court adopts the R&R in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Gregory J. Kelly’s Report and Recommendation (Doc. 3) is **ADOPTED, CONFIRMED**, and made a part of this Order.

2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2) is **DENIED**.
3. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
4. By Monday, **November 30, 2020**, Plaintiff may file an amended complaint and a renewed motion to proceed *in forma pauperis*. Failure to timely file will result in closure of this action without further notice.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on November 13, 2020.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
*Pro Se Party*

